

**STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA**

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CH DOE

Plaintiff

vs.

SUMMONS

COMMUNITY MISSIONS OF THE  
NIAGARA FRONTIER HOLDING  
CORPORATION, INC.  
1570 Buffalo Avenue  
Niagara Falls, NY 14303

Index No.

And

DOES 1 and 2 whose identities are  
Unknown to the Plaintiff

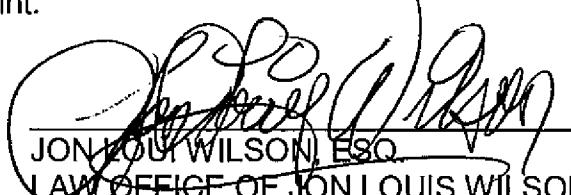
Defendant

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**TO THE ABOVE-NAMED DEFENDANTS:**

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an Answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: September 16, 2019

  
JON LOUIS WILSON, ESQ.  
LAW OFFICE OF JON LOUIS WILSON  
Attorneys for Plaintiff  
111 Ontario Street  
Lockport, NY 14094  
(716) 434-2010

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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CH DOE

Plaintiff

vs.

COMPLAINT

COMMUNITY MISSIONS OF THE  
NIAGARA FRONTIER HOLDING  
CORPORATION, INC.  
1570 Buffalo Avenue  
Niagara Falls, NY 14303

Index No.

And

DOES 1 and 2 whose identities are  
Unknown to the Plaintiff

Defendant

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Plaintiff, by and through his attorneys, LAW OFFICE OF JON LOUIS WILSON,  
JON LOUIS WILSON, ESQ., of counsel, as and for his Complaint against Defendants,  
alleges as follows:

1. At all relevant times hereinafter mentioned, Plaintiff was a resident of the County of Niagara.
2. Plaintiff is filing under a pseudonym publicly, but his identity can be confidentially disclosed to Defendants in discovery not to be filed publicly.
3. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant COMMUNITY MISSIONS OF THE NIAGARA FRONTIER HOLDING CORPORATION, INC. (hereinafter "COMMUNITY") was and continues to be a domestic Not-For-Profit corporation, duly organized and existing under, and by virtue of,

the laws of the State of New York, with its principal office for the conduct of its business located at 1570 Buffalo Avenue, Niagara Falls, New York, and was operating under the assumed name of COMMUNITY MISSIONS OF NIAGARA FRONTIER, INC.

4. Defendant COMMUNITY is the largest private provider of basic human needs, mental health, and recovery services [including youth involved with the juvenile justice system] in Niagara County.

5. Defendants DOES 1 and 2 are unknown individuals whose identities will be provided when they become known pursuant to CPLR Section 1024.

#### JURISDICTION

6. This Court has jurisdiction pursuant to CPLR Section 301 as Defendant COMMUNITY'S principal place of business is in New York and because the unlawful conduct complained of herein occurred in New York.

7. Venue is proper pursuant to CPLR Section 503 in that Niagara County is the principal place of business of Defendant COMMUNITY. In addition, the event giving rise to this action occurred in Niagara County.

#### FACTS

8. Upon information and belief, Defendants DOES 1 and 2 were involved with the juvenile justice system as juvenile offenders, and were placed with Defendant COMMUNITY in Niagara Falls, New York, and at all times were purportedly in the custody of, and under the direct supervision and control of, Defendant COMMUNITY.

9. That in or around the fall of 1980, when Plaintiff was four years old and was visiting the COMMUNITY'S facility in Niagara Falls with his parents, he was sexually assaulted by Defendants DOES 1 and 2 in the laundry room/basement of said facility.

10. That Defendant COMMUNITY, through its officers, staff, and employees, knew or should have known that Defendants DOES 1 and 2 were a danger to younger, prepubescent, vulnerable children.

**AS AND FOR A FIRST CAUSE OF ACTION  
SOUNDING IN NEGLIGENCE:**

11. Defendant COMMUNITY failed to use ordinary care in allowing resident juvenile offenders, to wit: Defendants DOES 1 and 2, to be in the presence of younger, prepubescent, vulnerable children, without staff supervision and oversight.

12. Defendant's breach of its duty of ordinary care included, but was not limited to, failure to protect Plaintiff from a known danger; failure to have sufficient number of staff and employees to supervise and oversee resident juvenile offenders to prevent them from committing child sex abuse and/or other crimes and torts; failure to properly implement policies and procedures to prevent child sex abuse; failure to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were effective; failure to adequately inform and warn both families and children of the risks of child sex abuse present at Defendant's facility; failure to investigate risks of child sex abuse at Defendant's facility; failure to adhere to the applicable standard of care for child safety in environments similar to the environment at its facility; failure to thoroughly review all available recordation, documentation, and other information pertaining to the inherent risk associated with each resident juvenile offender, and the concomitant danger such resident juvenile offender would present to any prepubescent children at the facility, including this Plaintiff; and failure to train its staff and employees to properly identify warning signs of child sex abuse by resident juvenile offenders.

13. Plaintiff suffered both physical and psychological injuries and damages as a result of the aforesaid incident and continues to suffer severe and permanent emotional distress that has manifested itself in many negative ways throughout his life.

14. As a direct result of Defendant COMMUNITY'S negligence as described hereinbefore, Plaintiff has suffered, and will continue to suffer, great emotional pain and physical distress; severe and permanent emotional distress; physical manifestations of emotional distress; embarrassment; loss of self-esteem; humiliation; physical, personal and psychological injuries. Plaintiff was prevented, continues to be prevented, and will be prevented from performing his normal daily activities and obtaining the full enjoyment of life to which he is entitled as a result of the abuse he suffered, and/or has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

15. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limit of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION  
SOUNDING IN BREACH OF STATUTORY DUTY  
TO REPORT ABUSE UNDER SOCIAL SERVICE  
LAW SECTIONS 413, and 420**

16. Plaintiff incorporates all of the allegations contained in paragraphs "1" through "15" hereinbefore as if same were more fully set forth hereinafter.

17. Pursuant to New York State Social Service Law Sections 413 and 420, Defendant COMMUNITY had a statutory duty to report reasonable suspicion of abuse of children in its care.

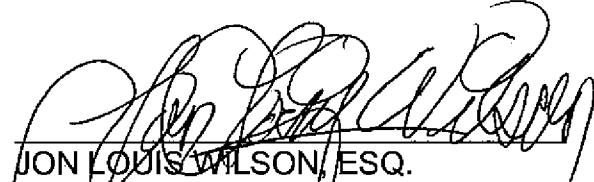
18. Defendant breached that duty by knowingly and willfully failing to report the reasonable suspicion of abuse of a child in its care.

19. As a direct and indirect result of this conduct, Plaintiff was suffered injuries and damages described in greater detail in the first cause of action hereinbefore.

20. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limit of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendant on his First Cause of Action in an amount which exceeds the monetary jurisdictional limits of all lower New York State courts which would otherwise have jurisdiction herein, together with interest, costs and disbursements attributable hereto; on his Second Cause of Action in an amount which exceeds the monetary jurisdictional limits of all lower New York State courts which would otherwise have jurisdiction herein, together with interest, costs and disbursements attributable hereto; together with such other, further and different relief as to this Court may appear just, proper and equitable.

DATED: September 16, 2019  
Lockport, New York



JON LOUIS WILSON, ESQ.  
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Lockport, NY 14094  
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